

### **Telephone Interview of January 12, 2007**

Applicant's representative Monika Dudek thanks Examiners Chow and Chauhan for the telephone interview of January 12, 2007, in which Applicant's presently pending independent Claim 1 and the cited Holzman and Douquette references were discussed. It is in Applicants' belief that the discussion resulted in an agreement that the references do not teach every limitation of Claim 1, subject to another review of Holzman reference by Examiner. Examiner also stated that a new search would be performed. Applicant respectfully notes that independent Claims 17 and 25 recite similar limitations as the limitations discussed with respect to Claim 1.

### **Remarks**

Claims 1-35 are currently pending in this application for consideration, of which Claims 1, 17, and 25 are independent. Applicant has amended Claims 1, 17, and 25 to advance the prosecution. Support for the amended claims may be found throughout the original application. No new matter has been added. Applicant's amendment of the claims is not to be regarded in any way as acquiescence or agreement with the rejections. Applicant reserves the right to prosecute the previously presented claims in a continuation application.

### **Rejections under 35 U.S.C. §103(a)**

On page 4 of the Office Action, Examiner rejected claims 1-3, 5-17, 19-23, 25, 26, and 28-35 under 35 U.S.C. §103(a) as being unpatentable over Gould (US 6,219,052), in view of Duquette (US 2005/0228735), and Holzman (US 6,064,401). On page 12 of the Office Action, Examiner rejected dependent claims 4, 18, and 27 under 35 U.S.C. §103(a) as being unpatentable over Gould, in view of Duquette, Holzman, and Tufte ("The Visual Display of Quantitative Information"). On page 13 of the Office Action, Examiner rejected dependent claim 24 under 35 U.S.C. §103(a) as being unpatentable over Gould, in view of Duquette and Rao (US 6,085,202).

Regardless of the amendment made herein, Applicant notes that the rejections/arguments presented in this Office Action are similar (if not identical) to those in the previous Office Action of August 11, 2006. In an effort not to be overly repetitive with the last response, Applicant incorporates herein by reference the remarks presented in the Office Action Response of September 29, 2006.

In the “Response to Arguments” section on page 2 of the Office Action, Examiner stated that “shifting data previously displayed in the first axis region to the second axis region for displaying along a second linear scale is independent from receiving new data in the data series.” Then, on page 3 of the Office Action, Examiner argued that “Holzman discloses a lens that zooms in a portion of a graph and the lens being able to slide, effectively shifts data from one region to another in either directions, (...) which reads on the claimed shifting data previously displayed in the first axis region to the second axis region for display along a second linear scale.” Applicant respectfully submits that the previously presented claims were clear and that the limitations of the previously presented claims were not described or suggested by the references. However, to advance the prosecution and to clarify the claim language even further, Applicant amended independent Claims 1, 17, and 25 to now more clearly read that the data is shifted between the axis regions upon receiving new data in the data series. Additionally, Claim 1 now reads: “displaying the new data in the first axis region (...), thereby resulting in automatically shifting the data series (...) such that an oldest data previously displayed in the first axis region is moved to the second axis region (...).”

Applicant respectfully submits that Holzman does not show receiving new data and displaying the new data in the first axis region and automatically shifting the data series such that an oldest data previously displayed in the first axis region is moved to the second axis region. Rather, as discussed during the Interview and in the previous Office Action response, Holzman merely shows a sliding lens feature that allows a user to ‘blow up’ a selected portion of a plot for detailed inspection. Holzman shows the ability to slide the lens over the data and change the magnification of the lens, but regardless of whether Holzman shows this ability is of no concern, for the act of sliding a lens over plotted points does not read on the limitation quoted. Applicant respectfully submits that moving a sliding lens over plotted points by a user does not show “upon receiving a new data in the data series, displaying the new data in the first axis region (...), thereby resulting in automatically shifting the data series (...) such that an oldest data previously displayed in the first axis region is moved to the second axis region (...).” Applicant also notes that Gould, Duquette, Tufte, and Rao either taken alone or in combination, fail to

overcome the deficiencies of Holzman. The claimed invention, as a whole, is not taught by the cited references. Thus, Applicant respectfully requests favorable reconsideration.

Claims 2-16 are dependent claims that depend from independent Claim 1. Claims 2-16 are patentable because all reasons showing patentability of Claim 1 apply to Claims 2-16. Independent Claims 17 and 25 mirror the limitations of Claim 1, and Claims 18-24 and 26-35 depend from Claims 17 and 25, respectively, and thus are also in condition for allowance. Furthermore, Applicant respectfully notes that each dependent claim is separately patentable and does not stand or fall with the corresponding independent claim. In other words, each dependent claim adds one or more limitations to the independent claim from which it depends and, when taken as a whole, each claim is patentable over the cited art.

Respectfully submitted,

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